

Congress of the United States

House of Representatives

Washington, DC 20515-3213

March 16, 2010

The Honorable Julius Genachowski
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Dear Chairman Genachowski,

I have the honor and privilege of representing Staten Island and portions of Brooklyn, NY in the U.S. House of Representatives. I understand that the FCC plans to auction off the D Block spectrum for commercial use. This is a troubling development, and it raises many concerns regarding public safety.

If the entire D Block spectrum were given to the commercial market, it would remove a critical asset from our public safety agencies. These vital services would be effectively denied the use of 20 MHz of contiguous spectrum in the 700 MHz band. This would prohibit police, firefighters, and other first responders from developing technologies that utilize this section of the spectrum. This would preclude them from using higher-powered radios and other cutting-edge communications tools. It is not sufficient to have these agencies share the airwaves with wireless carriers; they need a dedicated bandwidth for public safety.

Equally troubling is the proposal to make public safety agencies bid competitively for portions of the spectrum. With so many states and cities facing budget crises, the FCC should not force them to unnecessarily spend money on reserving the public airwaves. First responders need access to the D Block in order to provide these vitally-needed services to the public. As we work to provide the infrastructure necessary to build a nationwide, state-of-the-art, interoperable broadband network for public safety, it is important to ensure that agencies are not burdened with unnecessary costs.

New Yorkers know all too well the need for well-equipped public safety agencies. In large cities, it is necessary for first responders to have access to a dedicated, contiguous spectrum of the D Block to ensure that their communications technology is always up-to-date. With so much radio and electromagnetic interference in a crowded city, first responders require the high-powered spectrum to ensure clean communications. Ever since the original January 24, 2008 Wireless Spectrum Auction, there has been concerted action to ensure that some segment of the D Block is reserved for public safety.

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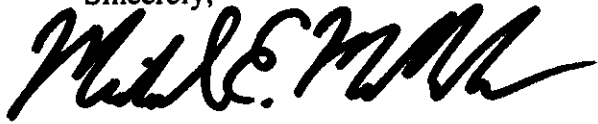
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PSHBB
700 MHz
PV
JC
439

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I urge the FCC to ensure that the process for allocating the D Block spectrum maintains a contiguous 20 MHz spectrum for public safety agencies. While I agree that the auctioning of this spectrum will spur great commercial development, we cannot sacrifice the safety and security of our citizens.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael E. McMahon". The signature is stylized with large, bold letters and a prominent flourish at the end.

Michael E. McMahon
Member of Congress



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

October 19, 2010

The Honorable Michael E. McMahon
U.S. House of Representatives
323 Cannon House Office Building
Washington, D.C. 20515

Dear Congresswoman McMahon:

Thank you for your letter regarding proposals to reallocate the 700 MHz D Block for public safety programming. I have a strong appreciation for our first responders, and I am committed to achieving the best nationwide interoperable wireless broadband network for public safety communications.

The allocation of spectrum for public safety and the development of funding resources to make use of this spectrum present unique challenges both for Congress and the Commission. The National Broadband Plan (NBP) provided guidance for moving forward with these objectives, including a recommendation that Congress create funding resources to support both network construction and ongoing operations.

This is vital. Congressional funding is necessary for building a mobile broadband public safety network and delivering on the recommendation of the 9/11 Commission. The Commission has acted on NBP recommendations within its statutory authority, establishing – with the help of experts from the Department of Homeland Security and other federal partners – the Emergency Response Interoperability Center (ERIC) to guide technical standards development and help create a solid foundation for nationwide interoperable cooperation. This is necessary to ensure that a new network achieves the 9/11 Commission goal of interoperability. The Commission also recently provided waivers to twenty-one jurisdictions, authorizing them to initiate early build-outs of public safety broadband networks using the 10 MHz of the 700 MHz spectrum licensed to the Public Safety Spectrum Trust, subject to interoperability requirements.

Under current law, the Commission is obligated to auction the 700 MHz D Block spectrum for commercial use. I have directed the Commission's staff to provide assistance to Congress as it considers legislative action related to this matter.

Regardless of how much spectrum ultimately is allocated to public safety in addition to its current 24 MHz, I am committed to working with Congress, public safety officials, and the wireless community to facilitate creation of networks that protect Americans and prevent

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tragedies that can be avoided by better communications among first responders. Thank you for bringing your concerns to my attention. Please let me know if I can be of further assistance.

Sincerely,

A handwritten signature in dark ink, consisting of a stylized 'J' followed by a horizontal line and a small dot.

Julius Genachowski